

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.8273 of 2007

NARENDRA PRATAP MISHRA, son of Shri Sheoji Mishra, Secretary, Appka Sahara Sansthan, having its registered office at Ghorhat PS Manjhi district Chapra-----petitioner
Versus

1. THE STATE OF BIHAR
2. The Chief Secretary, Government of Bihar, Patna
3. The Secretary, Human Resource Department, Government of Bihar, Patna
4. The Director, Primary Education, Government of Bihar, Patna
5. The Deputy Director, Primary Education, Government of Bihar, Patna
6. The Divisional Commissioner, Saran Division, Chapra
7. The Collector, Saran at Chapra
8. The Deputy Development Commissioner, Saran at Chapra
9. The Block Development Officer, Manjhi, Saran at Chapra
10. Mukhiya, Gram Panchayat Raj Ghorhat, PS Manjhi, District Saran
11. The Panchayat Secretary, Gram Panchayat Raj, Ghorhat, PS Manjhi, Saran at Chapra
12. The Additional Director General Cabinet (Vigilance) Department, Government of Bihar, Patna
13. The Commissioner-cum-Secretary Cabinet (Vigilance) Department, Government of Bihar, Patna -----respondents

WITH

MJC No.1673 of 2008

NARENDRA PRATAP MISHRA

Versus

THE STATE OF BIHAR & ORS

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02-07-2009

Heard learned counsel for the petitioner, learned counsel for the State and Mr. Parvat who wants to place certain facts on behalf of an intervener, Mr. Amar Kumar Mishra.

This is a Public Interest Litigation.

The District Magistrate, Saran, Chapra is personally present in court and a show cause has been filed on his behalf.

On perusal of the show cause and after hearing the parties we are satisfied that the required action has been taken by the District Magistrate, Saran although after some delay. However, in the facts of the case we do not deem it proper to proceed any further with the contempt matter. The proceeding is dropped.

Personal appearance of the District Magistrate, Saran at Chapra is dispensed with.

We would like to clarify at this stage as suggested by the learned counsel for the intervener that earlier displeasure shown by this court was only on account of delay in complying with the order of this court on account of pendency of a handwriting test before the Forensic Science Laboratory, Patna. Now that issue has been properly tackled and some departmental proceeding as well as a criminal case appear to have been initiated. The impugned appointments have also been cancelled. We clarify that we have not applied ourselves to the merit of the allegations made by the petitioner and it is only in the interest of justice and purity of administration that probe has been ordered into the affairs which required detailed scrutiny and probe. This court is not concerned with the outcome of the proceedings initiated. The proceeding civil or criminal must proceed in accordance with law on their own merits.

Both the applications are disposed of.

(Shiva Kirti Singh, ACJ.)

(Anjana Prakash, J.)

BKS/-